



ADMINISTRATIVE  
COMMUNICATIONS SYSTEM  
U.S. DEPARTMENT OF EDUCATION

**DEPARTMENTAL DIRECTIVE**

OIG:1-102

Page 1 of 8 (09/16/2008)

Distribution:  
All Department of Education Employees

Approved by: \_\_\_\_\_/s/\_\_\_\_\_  
Jerry G. Bridges  
Acting Inspector General

**Cooperation with and Reporting to the Office of Inspector General**

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For technical questions on this document, please contact Michael Deshields via [email](#) or on 202-245-7058.

Supersedes OIG:1-102, Cooperation with and Reporting to the Office of Inspector General, dated 06/17/2005.

## I. Purpose

This directive establishes the U.S. Department of Education (ED) policy for cooperating with the Office of Inspector General (OIG). It also sets forth procedures for reporting instances of suspected wrongdoing to the OIG.

## II. Policy

It is the policy of ED to cooperate with the work of the OIG and to promptly report to the OIG fraud, waste, abuse, mismanagement, or criminal violations in ED's programs and operations. The OIG often needs information from ED offices in order to conduct its work effectively. The Inspector General Act of 1978 provides that the OIG has access to records of ED. ED employees must respond promptly and completely to requests from the OIG for information and records. Failure to cooperate causes unnecessary delay for the OIG in completing its work, and may raise questions as to whether full disclosure is being provided. See January 16, 2007, Memorandum to Department Employees from the Secretary (attached).

## III. Authorization

The OIG was established under the Inspector General Act of 1978, 5 U.S.C. App. 3, and by Section 211 of the Department of Education Organization Act (Public Law 96-88). These Acts provide for an independent organization whose primary responsibilities include the prevention and detection of fraud, waste, abuse, and mismanagement in the administration of ED programs and other operations.

## IV. Applicability

This directive applies to all ED employees, contractors, grantees, boards, and commissions.

## V. Definitions

A. Administrative Offenses by ED Employees. Offenses that are administrative in nature generally do not come under the jurisdiction of the OIG and should be handled directly by supervisors. Examples of administrative offenses are:

1. Chronic or habitual tardiness;
2. Inappropriate use of government computers (e.g., surfing prohibited web sites, excessive use of the Internet);
3. Misuse of sick leave;
4. Unauthorized use of alcoholic beverages;
5. Reporting for duty while intoxicated or under the influence of intoxicants;

6. Insubordination (refusal to obey orders, insolence, and similar behaviors);
  7. Absence without leave (any leave from duty that has not been authorized in accordance with the leave instructions and for which pay must be denied);
  8. Fighting, threatening, intimidating, or other disruptive behavior;
  9. Employee indebtedness, to the extent that it either reflects adversely on the government or affects the employee's performance on the job; and
  10. Discrimination prohibited by law or regulation.
- B. Criminal Violations. Criminal violations include, but are not limited to, illegal drug use, possession or distribution of illegal drugs on ED property, embezzlement, bribery, solicitation of bribes, fraud against the government, theft, failure to pay student aid refunds, child pornography, or conspiracy to commit any of the foregoing acts.

## VI. Responsibilities

### A. Employees

1. Criminal Violations. Any ED employee having information indicating a possible criminal violation by an ED employee or program participant (e.g., contractor, grantee, or consultant) must bring this information to the immediate attention of the nearest OIG/Investigation Services (IS) office or the OIG Hotline (refer to Section VII).
2. Fraud, Waste, Abuse, or Mismanagement. Any ED employee having information indicating fraud, waste, abuse, or mismanagement involving ED programs and operations should bring this information to the immediate attention of the nearest OIG/IS office or the OIG Hotline. Appropriate information would include that pertaining to fraud, waste, abuse, or mismanagement by another employee in the performance of his/her official duties or by any person or entity who receives or administers ED funds (e.g., contractors, grantees, or consultants).
3. Other Matters. Any ED employee having information regarding mismanagement, administrative offenses, or other violations of law, regulation, contract, agreement, or procedures on the part of another employee or an ED program participant should report this information to a supervisory official. In addition, or alternatively, any ED employee may bring allegations of such matters directly to the attention of the OIG if:
  - a. The employee fears reprisal;
  - b. The employee has reported the matter to supervisory officials, but believes that the matter has not been adequately resolved; or

- c. The employee chooses to do so.
4. All ED employees are required to:
    - a. Promptly and completely comply with all official requests for information, documents, and records from representatives of the Inspector General;
    - b. Keep in confidence all inquiries made by the OIG when requested to do so except insofar as they may seek counsel concerning personal involvement. Employees are permitted to have an attorney or union representative present when they are being interviewed by the OIG if the employee reasonably believes that the interview may result in disciplinary action against the employee; and
    - c. Immediately discuss with the OIG requestor any operational or practical reasons the employee cannot promptly respond to a request from OIG, rather than delay the response. If the employee has legal concerns about the request, the employee should consult with the Office of the General Counsel (OGC) promptly, so that OGC can help resolve the matter expeditiously with the OIG.

B. ED Supervisors

1. Supervisors will:
  - a. Initially handle any administrative offenses with the assistance of the Office of Management's (OM) Human Resources Services or Federal Student Aid's Human Resources & Workforce Services, as appropriate;
  - b. Ensure that subordinates are aware of ED's policy as outlined in this directive;
  - c. Comply with all official requests and keep in confidence all inquiries made by the OIG;
  - d. At the request of the OIG, provide a "management representation" letter affirming that, to the best of the supervisor's knowledge, information, and belief, all requested information has in fact been provided during an audit or inspection of a program managed by the supervisor; and
  - e. Immediately discuss with the OIG requestor any operational or practical reasons the supervisor cannot promptly respond to a request from OIG, rather than delay the response. If the supervisor has legal concerns about the request, the supervisor should consult

with OGC promptly, so that OGC can help resolve the matter expeditiously with the OIG.

2. Supervisors will not:
  - a. Direct any other ED employee to refrain from providing assistance or furnishing information, either upon request or voluntarily, to the OIG; or
  - b. Threaten employees with, or subject them to, any form of reprisal for providing information to OIG, or for reporting or stating an intention to report allegations of wrongdoing to OIG. However, after consultation with OIG and OM's Human Resources Services or Federal Student Aid's Human Resources & Workforce Services, as appropriate, supervisors may initiate appropriate disciplinary action against an employee who reports, or who openly states an intention to report, an allegation while knowing it to be false, or with willful disregard for its truth or falsity.

- C. Office of Inspector General. The OIG will investigate allegations within its jurisdiction made by ED employees regarding fraud, waste, abuse, mismanagement, and criminal violations involving anyone in ED or any individual or organization receiving ED funds through grants or contracts. Investigations can result in referrals of cases to the Department of Justice for criminal prosecution or civil action, or to ED management officials for administrative action.

In accordance with section 7(b) of the Inspector General Act of 1978, the OIG shall not, after receipt of a complaint or information from an ED employee, disclose the identity of the employee without the consent of the employee unless the Inspector General determines that such disclosure is unavoidable during the course of an investigation. Any identifying information is confidential source material, and OIG employees must not disclose such information except to other OIG employees who have a need to know in connection with their official duties.

The Whistleblower Protection Act of 1989 strengthened and improved protection for the rights of Federal employees to prevent reprisals and to help eliminate wrongdoing within the government.

## VII. Reporting Procedures

- A. Reporting Fraud, Waste, Abuse, Mismanagement, or Criminal Violations. All employees may report allegations to OIG by contacting:
  1. The nearest OIG/IS office telephone number:

<u>Office</u>	<u>(Area Code)</u>	<u>Telephone</u>
Boston, MA	(617)	289-0174
New York, NY	(646)	428-3861
Philadelphia, PA	(215)	656-6900
Atlanta, GA	(404)	562-6460
Chicago, IL	(312)	730-1630
Dallas, TX	(214)	661-9530
Kansas City, MO	(816)	268-0530
Long Beach/Los Angeles, CA	(562)	980-4141
Washington, DC Field Office	(202)	245-6918

2. The OIG's Hotline: The OIG Hotline may be reached by using the toll-free number 1-800-647-8733 (1-800-MISUSED) or local (202) 245-6911, Mondays, Wednesdays, and Fridays between the hours of 9:00AM and 11:00AM and Tuesdays and Thursdays between the hours of 1:00PM and 3:00PM, Eastern Time. Complainants can also submit complaints to the Hotline by e-mail ([oig.hotline@ed.gov](mailto:oig.hotline@ed.gov)), Internet/website at <http://www.ed.gov/about/offices/list/oig/index.html> or by fax machine (202-245-7047), 24 hours a day and seven days a week, or by writing to the following address:

U.S. Department of Education  
 Inspector General Hotline  
 400 Maryland Avenue, SW  
 8<sup>th</sup> Floor-PCP  
 Washington, D.C. 20202-1500

- B. Reporting Other Matters. The OIG Hotline is maintained to facilitate the reporting of allegations involving fraud, waste, abuse, mismanagement or criminal violations in ED programs and operations. Except as provided in Section VI.A.3, it is not intended to be used for reporting complaints related to administrative offenses and work place disputes, or for consumer, personnel or equal employment opportunity issues. ED has a variety of consumer information and customer complaint mechanisms separate from the OIG Hotline.
- C. Confidentiality and Anonymity. The identity of employees who report allegations to OIG will be kept confidential as provided in Section VI.C. Anonymous reports are accepted; however, anonymous reports may limit OIG's ability to act on the report.

## VIII. Memorandum to Department Employees

**From:** Spellings, Margaret  
**Sent:** Tuesday, January 16, 2007 12:34 PM  
**To:** All Exchange Users  
**Subject:** Cooperation with the Office of Inspector General

January 16, 2007

## MEMORANDUM TO DEPARTMENT EMPLOYEES

The Office of Inspector General (OIG) performs the critical tasks of conducting audits, investigations and inspections related to the programs and operations of the U.S. Department of Education. Many of you may not have worked closely with the OIG, and may not be familiar with the OIG's processes. I would like to take a moment to note the important role all employees have in assisting the OIG to carry out investigations, audits or inspections. All employees should provide their full cooperation with any OIG inquiry.

The OIG often needs information from Department offices in order to conduct its work effectively. The Inspector General Act provides that the OIG has access to records of the Department. ED employees must respond promptly and completely to requests from the OIG for information and records. Failure to cooperate causes unnecessary delay for the OIG in completing its work, and may raise questions as to whether full disclosure is being provided. If you are asked to provide information to the OIG, and there are any operational or practical reasons you cannot promptly respond to this request, you should immediately discuss these issues with the OIG requester, rather than delay the response. If you have legal concerns about the request, please consult with the Office of the General Counsel promptly, so that they can help you resolve the matter expeditiously with the OIG. When the OIG conducts audits within the Department itself, the OIG will ask the manager of the affected program to provide a "management representation" letter affirming that to the best of the manager's knowledge, information, and belief, all requested information has in fact been provided.

Withholding or providing misleading information to the OIG undermines the Department's credibility, and can have serious consequences for an individual employee as provided in the Department's Table of Penalties, or under federal criminal statutes. Employees are permitted to have an attorney or union representative present when they are being interviewed by the OIG. Cooperation with the OIG also includes promptly reporting allegations of fraud or criminal conduct in Department programs and operations. You can contact the OIG hotline confidentially by phone at 1-800-MISUSED or by email at [oig.hotline@ed.gov](mailto:oig.hotline@ed.gov).

The senior leadership team and I are committed to maintaining the Department's culture of accountability. We appreciate the assistance and cooperation of all ED employees in supporting the OIG's efforts to identify and prevent misuse of federal funds. For more information on the OIG's procedures, please refer to the directive "Cooperation With and

Reporting to the Office of Inspector General,” OIG: 1-102, available on connectED at [http://wdcrobiis09/doc\\_img/acs\\_oig\\_1\\_102.doc](http://wdcrobiis09/doc_img/acs_oig_1_102.doc).

Thank you for your attention to this important matter.

Margaret Spellings